

## **REMARKS/ARGUMENTS**

Applicants appreciate the Examiner re-opening prosecution in view of applicants' Appeal Brief, filed on February 6, 2006.

Applicants further appreciate the Examiner's indication that claims 8-13, 18, 26, 28 and 34 would be allowable if rewritten in independent form. The claims have been rewritten, accordingly.

Claims 1, 4, 6-8, 13-15, 18, 20-23, 25, 28-30 and 32-34 have been amended to define applicants' invention. Applicants respectfully submit that the changes to these claims make explicit that which applicants believe to be already implicit and do not, accordingly, narrow the scope of protection defined by the claims.

Claims 1, 4, 6-8, 14-15, 18, 20-25, 28, 30 and 32-35 stand objected to because of various informalities. Accordingly, applicants have amended those claims to overcome the Examiner's objection based upon various informalities.

Claim 30 stands rejected under 35 U.S.C. §101 because the claim is directed to non-statutory subject matter. Claim 30 has been amended to recite use of a computer to implement the method. Applicants submit that the changes to claim 30 effectively overcomes the Examiner's rejection under 35 U.S.C. §101. Reconsideration is requested.

Claims 4, 20 and 30 stand rejected under 35 U.S.C. §112, second paragraph, on the grounds that the phrase "and/or" renders the claims indefinite. Accordingly, claims 4, 20 and 30 have been amended to remove any recitation of the phrase, "and/or." Applicants respectfully submit that the changes to these claims overcome the Examiner's rejection under 35 U.S.C. §112, second paragraph.

Claims 1-7, 14-17, 19-27, 30, 32 and 35 stand rejected under 35 U.S.C. §102(e) as being anticipated by Suchter ("Suchter," U.S. Patent No. 6,675,161).

As noted in applicants' previous responses, the present invention dramatically improves shortcomings of prior art search engines and categorization systems by enabling modifying and supplementing search categories and search attributes interactively and, to a degree automatically, by both listers and searchers.

Applicants' claim 1 is directed to an interactive system of "enhancing the searchability of data[.]" More particularly, claim 1 defines "a categorization system," a "communication system"

and a “cooperative facility.” The categorization system “associates search terms defining categories or attributes with items to be found[.]” The communication system communicates with the categorization system and with “a store of information from which information is to be selected based on the search terms[.]” The cooperative facility is “associated” with the categorization system and “enables users, including listers and searchers, to interactively and at least partially automatically, modify or supplement the search terms initially assigned to the items to be found by the categorization system[.]” The categorization system, the communication system and the cooperative facility “are structured to store the modified or supplemented search terms.”

Claim 30, as amended, is a method of searching data items in a data store, and includes functionally similar limitations. Thus, as defined in applicants’ claims 1 and 30, searching of information and data is enhanced because listers and searchers can modify or supplement the search terms associated with items to be found.

Applicants have carefully reviewed the newly cited reference to Suchter and respectfully disagree with the Examiner’s conclusion that Suchter teaches all of the features described in applicants’ claims 1-7, 14-17, 19-27, 30, 32 and 35. In particular, Suchter does not teach or suggest applicants’ “categorization system” that associates “search terms” defining categories or attributes with items to be found. Suchter does not teach the use of search terms. Instead, Suchter teaches a directory structure that is an index of documents in a cache 110 or available over a network 104 (see Suchter, column 5, lines 60-65). Directory 114 may be organized according to a taxonomy of categories that classify electronic documents by subject matter, technical field, etc., but not “search terms.”

Moreover, Suchter does not enable listers and searchers to interactively modify or supplement search terms that are initially assigned to items to be found by the categorization system. Instead, Suchter cites to a “owner or operator” of a “customized directory” that is authorized or otherwise allowed to modify a directory structure (see Suchter, column 8, lines 14-36).

The Examiner cites to column 14, lines 25-30 and lines 62-65 in Suchter for support that Suchter discloses a cooperative facility that is accessible to listers and/or end searchers. A careful review of the cited passage indicates that the “owner or operator of the customized

directory can change the taxonomy of the master directory by renaming a node, moving a node to a different hierarchical location, adding one or more new nodes or deleting one or more nodes” (Suchter, lines 20-30). With respect to lines 62-65, a “user” carries out administrative functions relating to directory application 124. Applicants respectfully submit that Suchter does not teach or suggest applicants’ claim 1 feature of a cooperative facility associated with a categorization system that enables users, including listers and searchers, to interactively modify or supplement search terms assigned to items to be found by their categorization system.

Claims 31, 33 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Suchter in view of Chen et al. (“Chen,” U.S. Patent No. 6,728,752). Applicants respectfully traverse this rejection.

Chen is cited for teaching various features of claims 31, 33, and 35. In particular, the Examiner cites to Chen for teaching determining particular result-items a user has historically chosen to visit, teaching an automatic clustering tool responds to a searcher’s data item perusal in a prior session, and for teaching the automatic clustering tool being responsive to a searcher’s reviewing activity over time. The Examiner concludes, therefore, that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Suchter with those of Chen to arrive at applicants’ claims 31, 33 and 35. Applicants respectfully disagree.

Chen regards information browsing using multi-modal features. According to Chen, multi-modal clustering is “the grouping of objects that have data from several modalities associated with them” (column 4, lines 21-28). Modalities regard “disparate types of information such as text, image features and usage.” A collection or “corpus” is assembled providing an efficient browse and search functionality. Applicants respectfully submit, however, that Chen does not supply elements of applicants’ claim 1 that are missing from the teachings of Suchter. More particularly, Chen does not teach or suggest applicants’ “categorization system” that associates “search terms” defining categories or attributes with items to be found. Further, Suchter does not enable listers and searchers to interactively modify or supplement search terms that are initially assigned items to be found by the categorization system. Therefore, even if one were to combine Suchter and Chen, as the Examiner has done, applicants’ claims 31, 33 and 35

still would not be taught. Therefore, claims 31, 33 and 35 are allowable over the combination of Suchter and Chen.

As understood at section 11 (page 9) of the Office Action, claim 29 stands rejected because the ability to successfully refine search terms in a manual fashion does not "carry any patentable weight." Applicants respectfully disagree. Claim 29, currently amended, includes a monitor facility that, in combination with the clustering facility, minimizes the need of the search engine user to successfully refine search terms manually by monitoring particular result items a user has historically chosen to visit. The claim 29 monitoring facility, in combination with the automatic clustering facility, adds further patentable features to applicants' claim 1 and carries patentable weight. Reconsideration is respectfully requested.

For the reasons set forth above, applicants respectfully submit that this application is in condition for allowance, for which action is earnestly solicited.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on August 2, 2006:

\_\_\_\_\_  
Max Moskowitz  
Name of applicant, assignee or  
Registered Representative  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
August 2, 2006  
Date of Signature

MM:JJF:ck

Respectfully submitted,

\_\_\_\_\_  
Max Moskowitz  
Registration No.: 30,576  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700